

**City of Mt. Shasta Planning Commission**  
**Regular Meeting Agenda**

Mt. Shasta Community Center, 629 Alder Street  
Tuesday, January 19, 2016; 6:00 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services, and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

Item
1. Call to Order and Flag Salute
2. Roll call
3. Approval of Minutes: a. Minutes of November 11, 2015 Regular Planning Commission Meeting
4. Correspondence from Public and Staff: None
5. Public Comment  Welcome to our Planning Commission meeting. The Commission invites the public to address the Commission on issues not listed on the agenda and that are within the Commission’s subject matter jurisdiction. Those wishing to address the Commission are asked to sign-in and indicate their topic of interest. The public has a right to address the Commission on any subject within the Commission’s jurisdiction; however the Commission may limit public comment on matters that are outside of its jurisdiction.  The Planning Commission may regulate the total amount of time on particular issues and for speakers (typically 3 minutes). The Commission may place additional time limits on comments, to ensure members of the public have opportunity to speak and the Commission is able to complete its work. A group may be asked to choose a spokesperson to address the Commission on a subject matter, or the Commission may limit the number of persons addressing the Commission whenever a group of persons wishes to address the Commission on the same subject matter. Speakers are asked to provide their name and address for the public record. We greatly appreciate your active participation.
6. Consent Agenda: None  Consent Agenda items are matters requiring a Planning Commission review but which, following an initial evaluation by staff, have been found to be totally consistent with existing City regulations and the City General Plan and are, therefore, recommended for “routine” approval. If it is determined by the Commission that a Consent Agenda item requires further discussion and review, it will be removed to the regular agenda for consideration. The remaining items will be handled as a group by a single action of the Commission.
7. Discussion and Action: Medical Marijuana Cultivation and Delivery Regulations Zone Amendment 2016-01  <u>Background:</u> On October 9, 2015 Governor Brown signed three bills into law (AB 266, AB243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA sets up a State licensing scheme for commercial medical marijuana uses while protecting local control, by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows

the City to completely prohibit commercial medical marijuana activities.

Commission Recommended Action: Approve Zone Amendment 2016-01

8. Discussion and Action: Reduce the size of Planning Commission from seven (7) to five (5).  
Zone Amendment 2016-02

Background: The seven (7) members of Planning Commission serve at the pleasure of the City Council. The Commission consists of a minimum of five (5) members who reside within the City limits of the City of Mt. Shasta and two (2) members who reside outside of the City limits. The Commission serves as an advisory body to the Mt. Shasta City Council regarding matters related to City Planning. The Planning Commission has had a vacancy since September 1, 2015. The City advertised the Planning Commission vacancy on three occasions and has received two applicants at this time.

Commission Recommended Action: Approve Zone Amendment 2016-02

9. Commission and Staff Comments: Short-term rental update, 2016 planning priority list.

10. Adjourn: Next regular meeting to be held Tuesday February 16, 2016.

Availability of Public Records: All public records related to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall located at 305 North Mt. Shasta Blvd., Mt. Shasta, CA at the same time the public records are distributed or made available to the members of the legislative body. Agenda related writings or documents provided to a majority of the legislative body after distribution of the Agenda packet will be available for public review within a separate binder at City Hall at the same time as they are made available to the members of the legislative body.

The City of Mt. Shasta does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services. In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk or Deputy City Clerk at least 48 hours prior to the meeting at (530) 926-7510 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

Any writings or documents provided to a majority of the Planning Commission after distribution of the meeting Agenda Packet regarding any open session item on this agenda will be made available for public inspection during normal business hours within the binder entitled "Agenda Packet For Front Counter" located at City Hall at the desk on the right-hand side inside the front door.

Projects heard at this Planning Commission meeting may be subject to appeal. Please contact the Planning Department for information. Appeals must be submitted to the City Clerk's office together with the appeal fee of \$375. If you challenge the environmental review or the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Department on, or prior to, closing of the public comment period.

## Meeting Minutes of the Mt. Shasta Planning Commission

### Regular Meeting Minutes

Mt. Shasta Community Center, 629 Alder Street  
Tuesday, November 17, 2015; 6:00 p.m.

Item
<p>1. Call to Order and Flag Salute</p> <p>At the hour of 6:00 p.m., Chair Higuera called the meeting to order and led the audience in the Pledge of Allegiance.</p>
<p>2. Roll call</p> <p>Commissioners Present: Findling, Wagner, Chair Higuera, and Pardee</p> <p>Commissioners Absent: Clure and Derby</p>
<p>3. Approval of Minutes:</p> <p>a. Minutes of November 17, 2015 Regular Planning Commission Meeting.</p> <p style="padding-left: 40px;">Motion to approve the Minutes of August 18, 2015.</p> <p style="padding-left: 40px;">Motion by: Commissioner Findling</p> <p style="padding-left: 40px;">Second by: Commissioner Wagner</p> <p style="padding-left: 40px;">4 – Ayes Findling, Pardee, Wagner and Higuera</p> <p style="padding-left: 40px;">0 – Noes</p> <p>b. Minutes of October 21, 2015 Joint Planning Commission/City Council Special Meeting</p> <p style="padding-left: 40px;">Motion to approve the Minutes of August 18, 2015 with changes to add meeting time change.</p> <p style="padding-left: 40px;">Motion by: Commissioner Findling</p> <p style="padding-left: 40px;">Second by: Commissioner Pardee</p> <p style="padding-left: 40px;">3 – Ayes Findling, Pardee, Wagner</p> <p style="padding-left: 40px;">1 - Abstain Higuera</p> <p style="padding-left: 40px;">0 – Noes</p>
<p>4. Correspondence from Public and Staff: None</p>
<p>5. Public Comment: None</p>
<p>6. Consent Agenda: None</p>
<p>7. <u>Commission Action:</u> Mercy Medical Center Remodel, DR 2015-26: This item was removed from the agenda at the request of the applicant.</p>
<p>8. Commission and Staff Comments</p> <p>Staff reported on the City Council public hearing regarding the proposed short term rental in the R-1 zone district with an administrative use permit. Staff told the Commission that the City Council had denied the proposed zone amendment in a three to two vote. However, it was later determined that the ordinance that was brought before the Council was not correct based on the motion made and recorded in the Sept 16, 2014 minutes. Therefore, staff is notifying the City Council of this and requesting their direction to either bring it back to City Council with the correct ordinance of let the denial of the proposed zone amendment remain. The Commission discussed their process and all the time and</p>

consideration that went into their decision to approve the short term rental in the R-1 zone amendment.

Staff also announce the holiday potluck that the City is hosting on December 21, 2015.

Commissioner Findling reported about the "Elite Realty" sign being in disrepair asked staff to contact the owner to fix and repair the sign. Staff stated they would pass it on to code enforcement.

9. Adjourn: Next regular meeting to be held Tuesday December 15, 2015.

There being no further business before the Planning Commission, the meeting was adjourned at the hour of 6:45 p.m.

**Planning Commission  
AGENDA ITEM # 7**

**DATE:** January 19, 2016  
**TO:** Planning Commission  
**FROM:** Kristen Maze  
**SUBJECT:** Zone Amendment 2016-01 Medical Marijuana Cultivation and Delivery Regulations

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**RECOMMENDATION:**

1. **Receive Staff Report**
2. **Consider and Recommend Approval of Zone Amendment Project 2016.01**

**BACKGROUND & SUMMARY**

On October 9, 2015 Governor Brown signed three bills into law (AB 266, AB243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA sets up a State licensing scheme for commercial medical marijuana uses while protecting local control, by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities.

**DISCUSSION**

The MMRSA contains language that requires the City to prohibit cultivation uses by March 1, 2016 either expressly or otherwise under the principles of permissive zoning, or the State will become the sole licensing authority. The MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so.

The proposed ordinance is an urgency ordinance in accordance with Government Code 36937 in order to protect the immediate preservation of the public peace, health, or safety of the community and to satisfy the March 1, 2016 deadline. Approval of such ordinance allows the City to maintain its right to prohibit or regulate cultivation within the City of Mt. Shasta.

**CEQA.**

This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for

causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

### **MOTION**

The planning commission make the findings outlined in the proposed ordinance, approves the categorical exemption from CEQA pursuant to the Guidelines section 15305 and recommends approval to the City Council prohibiting marijuana cultivation, marijuana processing, and marijuana delivery activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity.

### **ATTACHMENTS**

1. PC Resolution 16-01
2. Proposed Ordinance

**RESOLUTION NO. PCR-16-01**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MT. SHASTA  
RECOMMENDING THE CITY COUNCIL  
ADOPT THE PROPOSED AMENDMENT  
TO CHAPTER 18.81 OF THE  
CITY OF MT. SHASTA MUNICIPAL CODE  
PROJECT 2016.01**

**WHEREAS**, the Planning Department prepared a proposed amendment to Section 18.81 and of the City of Mt. Shasta Municipal Code (Project 2016.01) based on the Medical Marijuana Regulation and Safety Act; and

**WHEREAS**, the proposed amendment would protect the health, safety and well-being of the City of Mt. Shasta residents; and

**WHEREAS**, the proposed amendment would provide language to prohibit commercial medical marijuana uses in the City and regulate cultivation for medical use by a qualified patient and maintains a regulatory placeholder by March 1, 2016 deadline discussed in the recently passed Medical Marijuana Regulation and Safety Act; and

**WHEREAS**, the MMRSA allows the City to completely prohibit commercial medical marijuana activities; and

**WHEREAS**, a public hearing was held by the Planning Commission at their regular meeting of January 19, 2016 and a notice of public hearing was published in the Mt. Shasta Herald on December 30, 2016; and

**WHEREAS**, the Planning Department recommended the proposed amendment be considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, the Planning Department recommended approval of the proposed amendment to add Chapter 18.81 of the City of Mt. Shasta Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Planning Commission recommends the City Council adopt the "general rule exemption: from CEQA and that the City Council adopt the proposed amendment to Section 18.81 of the City of Mt. Shasta Municipal Code as shown in Exhibit A to this Resolution.

The foregoing resolution was passed and adopted this 19<sup>th</sup> day of January, 2016  
by the following vote:

ROLL CALL VOTE

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
DATED:

ATTEST:

CITY OF MT. SHASTA:

\_\_\_\_\_  
Kristen Maze, Secretary

\_\_\_\_\_  
Belinda Higuera, Chair

Exhibit A: Draft Amendment to Section 18.81 of the City of Mt. Shasta Municipal  
Code

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MT. SHASTA ADDING  
CHAPTER 18.81 TO THE MT. SHASTA MUNICIPAL CODE PROHIBITING ALL  
COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY AND REGULATING  
CULTIVATION FOR MEDICAL USE BY A QUALIFIED PATIENT**

The City Council of the City of Mt. Shasta does hereby ordain as follows:

Section 1. Findings and Purpose.

The City Council finds and declares as follows:

A. On October 9, 2015 Governor Brown signed 3 bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter "MMRSA"). The MMRSA set up a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities.

B. The City Council finds that cultivation, processing, and delivery of medical marijuana as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition of cultivation, processing, and delivery of medical marijuana is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

C. The MMRSA contains language that requires the city to prohibit cultivation uses by March 1, 2016 either expressly or otherwise under the principles of permissive zoning, or the State will become the sole licensing authority. The MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. The MMRSA is silent as to how the City must prohibit other type of commercial medical marijuana activities. The City therefore moves forward with this Ordinance to preserve its rights under law and to protect the immediate preservation of the public peace, health, or safety of the community.

D. The Planning Commission held a duly noticed public hearing on January 19, 2016 at which time it considered all evidence presented, both written and oral and at the end of the hearing voted to adopt a resolution recommending that the City Council adopt this ordinance.

E. The City Council held a duly noticed public hearing on this ordinance on \_\_\_\_\_, 2015, at which time it considered all evidence presented, both written and oral.

Section 2. Enactment. Chapter 18.81 is hereby added to the Mt. Shasta Municipal Code to read as follows:

## Chapter 18.81

### MEDICAL MARIJUANA AND CULTIVATION

#### 18.81.010 Definitions

"Cannabis" shall have the same meaning as set forth in Business & Professions Code § 19300.5(f) as the same may be amended from time to time.

"Caregiver" or "primary caregiver" shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

"Commercial cannabis activity" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distributions or sale of medical cannabis or a medical cannabis product except as set forth in Business & Professions Code § Section 19319, related to qualifying patients and primary caregivers.

"Cooperative" shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering or making available medical marijuana, with or without compensation.

"Cultivation" means any activity involving the planning, growing, harvesting, drying, curing, grading or trimming of cannabis.

"Cultivation site" means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, that holds a valid state license pursuant to Chapter 3.5 of the MMRSA.

"Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. Delivery also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under Chapter 3.5 of the MMRSA that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

“Dispensary” shall have the same meaning as set forth in Business & Professions Code § 19300.5(n) as the same may be amended from time to time. For purposes of this Chapter, “Dispensary” shall also include a cooperative. “Dispensary” shall not include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code, (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code, (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code, (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

“Dispensing” means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

“Distribution” means the procurement, sale, and transport of medical cannabis or medical cannabis products between entities licensed pursuant to this chapter.

“Distributor” means a person licensed under this chapter to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a licensed manufacturer, for sale to a licensed dispensary.

“Manufacturer” shall have the same meaning as set forth in Business & Professions Code § 19300.5(y) as the same may be amended from time to time.

“Manufacturing site” means a location that produces, prepares propagates or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

“Medical cannabis,” “medical cannabis product,” or “cannabis product” shall have the same meanings as set forth in Business & Professions Code § 19300.5 (eg) as the same may be amended from time to time.

“Medical Marijuana Regulation and Safety Act” or “MMRSA” shall mean the following bills signed into law on October 9, 2015 as the same may be amended from time to time: AB 243, AB 246, and SB 643.

“Nursery” means a licensee that produces only clones, immature plants, seeds and other agricultural products used specifically for planting, propagation, and cultivation of medical cannabis.

“Qualifying patient” or “Qualified patient” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

“Testing laboratory” means a facility, entity, or site in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.
2. Registered with the State Department of Public Health.

“Transport” shall have the same meaning as set forth in Business & Professions Code § 19300.5(am) as the same may be amended from time to time.

“Transporter” means a person issued a state license by the bureau to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the bureau between facilities that have been issued as state license pursuant to this chapter.

#### 18.81.020 Prohibition.

Marijuana cultivation, marijuana processing, and marijuana deliveries shall be prohibited activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, marijuana processing, or marijuana deliveries in the City, and no person shall otherwise establish or conduct such activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

#### 18.81.030 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter 18.81 shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

#### 18.81.040 Civil Penalties.

In addition to any other enforcement permitted by this Chapter 18.81, the City Attorney may bring a civil action for injunctive relief and civil penalties pursuant to Chapter 1.02 of this code against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorney’s fees and costs to the prevailing party.

Section 3. Nothing in this Ordinance shall be interpreted to mean that the City’s zoning scheme allows any other use not specifically listed therein.

Section 4. CEQA. This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Section 5. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. To the extent the provisions of the Mt. Shasta Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 7. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Jeffrey Collings, Mayor

ATTEST:

\_\_\_\_\_  
Larisa Proulx, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John Sullivan Kenny, City Attorney

**Planning Commission  
AGENDA ITEM # 8**

**DATE:** January 19, 2016  
**TO:** Planning Commission  
**FROM:** Kristen Maze  
**SUBJECT:** Planning Commission Reduction Zone Amendment 2016-02

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**RECOMMENDATION:**

- 1. Receive Staff Report**
- 2. Consider and Recommend Approval of Zone Amendment Project 2016.02**

**BACKGROUND & SUMMARY**

The seven (7) members of Planning Commission serve at the pleasure of the City Council. The Commission consists of a minimum of five (5) members who reside within the City limits of the City of Mt. Shasta and two (2) members who reside outside of the City limits. The Commission serves as an advisory body to the Mt. Shasta City Council regarding matters related to City Planning. The Planning Commission has had a vacancy since September 1, 2015. The City advertised the Planning Commission vacancy on three occasions and has received only two applicants at this time.

**DISCUSSION**

The size of Planning Commission is usually established by law. According to the City of Mt. Shasta Municipal Code;

*Chapter 2.12 Section 2.12.020 (A) The City Planning Commission shall consist of seven members to be appointed by majority vote of the City Council, and serve for a term of four years, or until removed by majority vote of the City Council. Not more than two Planning Commission members may reside outside the City.*

The Planning Commission currently has one opening with that term ending on January 31, 2017 and two other Planning Commission terms will end January 31, 2016. Beginning September 1, 2015 the City began advertising for three Planning Commission vacancies. The City Council recently interviewed two Planning Commissioners that are requesting to continue their membership. Based on the lack of response for a third candidate staff is proposing that the Planning Commission be reduce from seven members to five members.

Staff has completed a query of several nearby cities to establish the Commission size of each agency;

- Weed 5 Planning Commissioners
- Dunsmuir 7 Planning Commissioners
- Yreka 7 Planning Commissioners
- Shasta Lake City 7 Planning Commissioners
- Anderson 5 Planning Commissioners

There are arguments for both a small and large size Planning Commission. The argument to maintain a seven member Planning Commission is for the basic numbers and the idea of always having a quorum, however with five member you would still have a quorum and with less Commissioners there may be more incentive to be committed to attend every meeting. Although in the past months attendance has not been an issue for our Planning Commission, although there have been times when at least three commissioners were not able to attend for various reasons.

According to the American Planning Association in which a survey of planning agencies was conducted regarding Planning Commissions and their size, planning agency staff members indicated a range from 4-5 members up to 20 members was considered optimum size. In general, planning agencies were either satisfied with the size of the Commission or would like to reduce it because they were too cumbersome or due to the lack of growth and development. This survey reported the largest Planning Commission size as 17 and the smallest as 3, so the range is wide. The City of Mt. Shasta would be considered one of the smaller size Commissions. Some of the agencies felt that the size of the community mattered for good representation although the small jurisdictions that were surveyed had a population of 50,000 or more.

The reality is that most planning agencies are happy to get a few interested, punctual, capable commission members. Therefore, whatever the size the Commission should be adequate to assure a reasonable chance to get several active members. The current concern of staff is that we do not have three individuals interested in becoming a Planning Commissioner. Therefore, by reducing the size to five Commission members, we are require to place one Commissioner as opposed to three.

In addition to the proposed Commission size reduction, the City proposes to simplify the appointment process. It is proposed that the City Council will interview the Planning Commission applicants prior to a regularly scheduled meeting, then make a decision and hold a vote at the following regularly scheduled meeting prior to the end of each term limit.

The proposed amendment will consist of the following;

#### **2.12.020 Appointment of members – Terms.**

(A) The City Planning Commission shall consist of seven five members, to be appointed by majority vote of the City Council, and to serve for a term of four years, or until

removed by majority vote of the City Council. Not more than two Planning Commission members may reside outside of the City.

~~(B) Prior to the appointment of a Planning Commissioner, the Mayor shall appoint a Nominating Committee of three persons, consisting of a member of the Planning Commission, and two Council members, one of which may be the Mayor. The Nominating Committee shall recommend the person or persons whose names will be submitted to the City Council for appointment to fill whatever vacancies exist. If more than one such name is submitted, the entire list shall be made known to the City Council before it votes, but the Council shall vote on each name submitted, separately, and in the order specified by the Nominating Committee, until all vacancies have been filled. If not all positions are filled from those applying for the position, the Mayor shall appoint a new Nominating Committee, which shall meet and make further nominations.~~

~~(C) Not less than five days before the Nominating Committee convenes to consider nominations, notice shall be posted in a public place at City Hall to the effect that interested persons may apply to the Committee to be considered for the positions. The City Council may, by motion, direct City staff to take additional actions to advertise the vacancies.~~

~~(D) The Nominating Committee shall meet in the City Council Chambers, in open session, and prior notice of its meetings shall be posted at a public place at City Hall.~~

~~(E) No Planning Commissioner may serve on a Nominating Committee to consider his or her reappointment nor to appoint his or her successor. Instead, the Mayor shall appoint another Commissioner to the Committee. All members shall be appointed by the City Council, subject to approval of a majority of the Council members. (Ord. CCO-99-07, 2000; Ord. CCO-90-10, 1991; Ord. 350, 1978; Ord. 145 § 2, 1950) (Ord CCO-16-XX, 2016)~~

#### **CEQA**

This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

#### **MOTION**

The planning commission make the findings outlined in the proposed ordinance, approves the categorical exemption from CEQA pursuant to the Guidelines section 15305 and recommends approval to the City Council to reduce the number of Planning Commissioner from 7 to 5 and simplify the appointment process.

**ATTACHMENTS:**

1. PC Resolution 16-02
2. Proposed Ordinance

**RESOLUTION NO. PCR-16-02**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MT. SHASTA  
RECOMMENDING THE CITY COUNCIL  
ADOPT THE PROPOSED AMENDMENT  
TO CHAPTER 2.12, SECTION 2.12.020 OF THE  
CITY OF MT. SHASTA MUNICIPAL CODE  
PROJECT 2016.02**

**WHEREAS**, the Planning Department prepared a proposed amendment to Section 2.12.020 and of the City of Mt. Shasta Municipal Code (Project 2016.02) based on the current application of Planning Commissioners; and

**WHEREAS**, the proposed amendment would protect the health, safety and well-being of the City of Mt. Shasta residents; and

**WHEREAS**, the proposed amendment would provide language to reduce the number of planning commissioners and simplify the appointment process; and

**WHEREAS**, the Planning Department presented its oral and written staff reports on the proposed amendment at a regular meeting of the Planning Commission on January 19, 2016; and

**WHEREAS**, a public hearing was held by the Planning Commission at their regular meeting of January 19, 2016 and a notice of public hearing was published in the Mt. Shasta Herald on January 6, 2016; and

**WHEREAS**, the Planning Department recommended the proposed amendment be considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, the Planning Department recommended approval of the proposed amendment to add Section 2.12.020 of the City of Mt. Shasta Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Planning Commission recommends the City Council adopt the "general rule exemption: from CEQA and that the City Council adopt the proposed amendment to Section 2.12.020 of the City of Mt. Shasta Municipal Code as shown in Exhibit A to this Resolution.

The foregoing resolution was passed and adopted this 19<sup>th</sup> day of January, 2016  
by the following vote:

ROLL CALL VOTE

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
DATED:

ATTEST:

CITY OF MT. SHASTA:

\_\_\_\_\_  
Kristen Maze, Secretary

\_\_\_\_\_  
Belinda Higuera, Chair

Exhibit A: Draft Amendment to Section 2.12.020 of the City of Mt. Shasta  
Municipal Code

**ORDINANCE NO. 16-****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MT. SHASTA  
AMENDING CHAPTER 2.12, SECTION 2.12.020 TO THE MT. SHASTA MUNICIPAL  
CODE APPOINTMENT OF PLANNING COMMISSION MEMBERS - TERMS**

The City Council of the City of Mt. Shasta does hereby ordain as follows:

Section 1. Findings and Purpose.

The City Council finds and declares as follows:

A. The proposed zoning code text is generally consistent with the goals, policies and objectives of the General Plan.

B. The proposed code amendment promotes public health, safety and general welfare and serves the goals and purposes of the zoning code.

C. The proposed code amendment will create a complete Planning Commission without vacancies.

D. The Planning Commission held a duly noticed public hearing on January 19, 2016 at which time it considered all evidence presented, both written and oral and at the end of the hearing voted to adopt a resolution recommending that the City Council adopt this ordinance.

E. The City Council held a duly noticed public hearing on this ordinance on \_\_\_\_\_, 2015, at which time it considered all evidence presented, both written and oral.

Section 2. Enactment. The Mt. Shasta Municipal Code Chapter 2.12 Section 2.12.020 is hereby amended to read as follows:

**Chapter 2.12****Planning Commission****2.12.020 Appointment of members – Terms.**

(A) The City Planning Commission shall consist of five members, to be appointed by majority vote of the City Council, and to serve for a term of four years, or until removed by majority vote of the City Council. Not more than two Planning Commission members may reside outside of the City.

(B) All members shall be appointed by the City Council, subject to approval of a majority of the Council members. (Ord. CCO-99-07, 2000; Ord. CCO-90-10, 1991; Ord. 350, 1978; Ord. 145 § 2, 1950) (Ord CCO-16-XX, 2016)

Section 3. Nothing in this Ordinance shall be interpreted to mean that the City's zoning scheme allows any other use not specifically listed therein.

Section 4. CEQA. This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Section 5. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. To the extent the provisions of the Mt. Shasta Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 7. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

AYES:

NOES:

ABSENT:

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Jeffrey Collings, Mayor

ATTEST:

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Larisa Proulx, Deputy City Clerk

APPROVED AS TO FORM:

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John Sullivan Kenny, City Attorney